

ORDINANCE NO. 20160519-057

AN ORDINANCE AMENDING CITY CODE CHAPTERS 25-1 AND 25-2 RELATING TO ZONING SPECIAL EXCEPTIONS AND RELATED FEE WAIVERS FOR EXISTING RESIDENTIAL STRUCTURES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (B) of City Code Section 25-1-366 (*Fee Waiver Program for Existing Residential Structures*) to read as follows:

- (B) A fee waiver or refund authorized under Subsection (A) of this section:
- (1) applies only to existing residential structures and does not cover permits for remodels, except to the extent required by the building official to address minimum life and safety requirements;
 - (2) applies only if the residential use for which a special exception is sought is allowed in an SF-3 or more restrictive zoning district;
 - (3) does not cover fees for re-inspections or for after-hours inspections; and
 - (4) expires on June 6, [~~2016~~] 2017.

PART 2. Subsection (B) of City Code Section 25-2-476 is amended to read:

- (B) The Board shall grant a special exception under Subsection (A) of this section if:
- (1) the residential use for which the special exception is sought is allowed in an SF-3 or more restrictive zoning district;
 - (2) the building official performs an inspection and determines that the violation does not pose a hazard to life, health, or public safety; and
 - (3) the Board finds that:
 - (a) the violation has existed for:
 - (i) at least 25 years; or
 - (ii) at least 10 years, if the application for a special exception is submitted on or before June 6, [~~2016~~] 2017;
 - (b) the use is a permitted use or a nonconforming use;

- (c) the structure does not share a lot with more than one other primary residence; and
- (d) granting a special exception would not:
 - (i) alter the character of the area;
 - (ii) impair the use of adjacent property that is developed in compliance with city code; or
 - (iii) grant a special privilege that is inconsistent with other properties in the area or in the district in which the property is located.

PART 3. This ordinance takes effect on May 30, 2016.

PASSED AND APPROVED

_____ May 19 _____, 2016

§
§
§

Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk